

ORIGINAL

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of Hawaii

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 28 2016

at 9 o'clock and 15 min. A.M.  
SUE BEITIA, CLERK

United States of America

v.

WALLACE J. SILVA, JR.

Case No.

MAG. NO. 16-1621 RLP

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2-27, 2016 in the county of Honolulu in the  
District of Hawaii, the defendant(s) violated:

## Code Section

## Offense Description

18 USC 2113(a)

Bank Robbery

18 USC 3583

Violation of Supervised Release

This criminal complaint is based on these facts:

On or about December 2-27, 2016, in the District of Hawaii, the Defendant, WALLACE J. SILVA, JR., did commit multiple violations of 18 U.S.C. 2113(a), that is, bank robbery and he also violated his term of supervised release in Cr. No. 05-00423 DAE by absconding from Mahoney Hale Residential Reentry Center. (continued on the attached affidavit)

☒ Continued on the attached sheet.

Th Logeman

Complainant's signature

Special Agent Thomas Logeman

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/28/2016

City and state: Honolulu, Hawaii



Judge's signature

Printed name and title

AGENT'S AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Thomas Logeman, being duly sworn, depose and state the following:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since August 2014. I am currently assigned to the Violent Crime Task Force of the FBI Honolulu Field Office where my duties include, but are not limited to, investigating criminal street gangs and crimes of violence, including bank robberies. I am further deputized as a Special Deputy U.S. Marshal and have been assigned to the District of Hawaii U.S. Marshal Fugitive Task Force since October 2016 where my duties include, but are not limited to fugitive apprehensions. Prior to joining the FBI, I served as a Department of Defense police officer for three years and then as a Honolulu Police Department (HPD) police officer and sergeant for eight years. As a result, I have experience investigating bank robberies and related offenses. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code and empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. Through my training and experience, I have become familiar with the manner in which criminal offenders operate, and the efforts of those involved in such activities.

2. The facts in this affidavit come from my personal observations and knowledge, my training and experience, information provided to me by other law enforcement personnel, public records, and witnesses. This affidavit is intended to show merely that sufficient probable cause exists for the criminal complaint and does not set forth all of my knowledge about this matter.

3. This Affidavit is made in support of a criminal complaint for WALLACE JOSEPH SILVA JR., also known as “WALLY SILVA”, “WALTER SPINOT”, “WALTER SILVER”, “ROBERT BURROWS” and “ADAM RICHARDS” (hereinafter “SILVA”) for the crime of Bank Robbery, a violation of Title 18, United States Code, Section 2113(a).

#### PROBABLE CAUSE

4. On Friday December 2, 2016, at approximately 2:35 p.m., HPD Patrol Units were dispatched to a bank robbery complaint at the First Hawaiian Bank (FHB) Kapiolani Branch, located at 1580 Kapiolani Boulevard, Honolulu, Hawaii 96814. At approximately 2:41 p.m., HPD Patrol officers arrived at FHB and learned that FHB had indeed been robbed by a male subject, described below and later positively identified as SILVA. The male subject uttered a demand note for money and threatened that he had weapon. The demand note was kept by the subject and was not recovered.

5. An FHB teller (hereinafter "RK") interviewed by HPD at the scene reported the subject approached her teller station at approximately 2:35 p.m. and placed a hand written note in front of her which read, "\$5,000 I have a weapon." RK complied and dispensed Five Hundred Dollars (\$500.00) in twenty (20) dollar denominations from her assigned teller machine. The subject told RK "I only want 100s...I don't want to take it out!" RK took out another Five Hundred Dollars (\$500.00) she believed were in one hundred (100) dollar denominations and the subject commented "I know how it works." RK informed the subject she could only make two withdrawals and would have to go in the back to which the subject recovered the money and fled on foot out of the FHB. RK stated when the subject stated "You don't want me to take it out" she looked at the number and amount of customers currently in line, as she described it to be a "busy day", and RK felt fearful for everyone's life and safety, therefore she obeyed the subject's instructions during the commission of the robbery. RK reported an aggregate total of One Thousand dollars (\$1,000.00) in U.S. currency was given to the subject during this FHB robbery incident.

6. A second FHB teller (hereinafter "CC") interviewed by HPD at the scene reported, at approximately 2:35 p.m. while helping a customer at her teller window near RK, she overheard RK say "I can't dispense more than twice." CC stated the manner in which RK said this was in a "frantic shakey (sic) way" which

caused CC to look up right away and observe the subject at RK's teller window. CC described the subject as a short, stocky male attired in a red in color Hawaiian type shirt and black in color sunglasses on his head. CC stated when the subject walked toward the exit of the FHB, CC described his walk as a speed walk with a little waddle. CC went to the back of the bank to look something up on a FHB computer when RK came back and confirmed she was just robbed. The phone then rang in the back of the bank and CC answered it. The call was from FHB bank security checking to see if there was a robbery incident and CC confirmed there was a robbery.

7. On December 5, 2016, HPD Robbery Detail Detective Michael Choy (hereinafter "Detective Choy") was assigned to investigate the aforementioned FHB robbery which was documented under HPD report number 16-472027. On December 5, 2016, at approximately 11:45 a.m., Detective Choy recovered video surveillance footage from FHB Security Officer Michael Nakamura. Following the recovery of the video, a Crime Information Bulletin (CIB) was prepared and released throughout the HPD and local media outlets which included information regarding this FHB incident as well as images from the video surveillance.

8. On December 5, 2016, Detective Choy was informed about a U.S. Probation Officer in Hawaii that had seen the FHB video surveillance footage released to the public and identified the subject as SILVA within the video footage

in question. At approximately 1:30 p.m., Detective Choy contacted the U.S. Probation Office via telephone and learned U.S. Probation Officer Jenny Coats (hereinafter "PO Coats") was the person that had seen the FHB video surveillance and identified SILVA as the subject. Detective Choy conducted a telephonic interview with PO Coats. At approximately 1:33 p.m., PO Coats told Detective Choy that on December 2, 2016, she was notified that one of the inmates she was responsible for supervising on federal supervision, namely SILVA, was unaccounted for during a head count at a federal facility located in Honolulu, Hawaii. Upon verification that SILVA was missing, SILVA was placed on absconder status and on December 2, 2016 an arrest warrant was issued for SILVA for violation of Title 18, United States Code, Section 3583, Violation of Supervised Release. During the weekend following December 2, 2016, PO Coats became aware of several bank robberies and noticed they had occurred in the area of the federal facility SILVA had absconded from and that the manner in which they occurred matched what SILVA had done in the past. On the morning of December 5, 2016, PO Coats was able to view surveillance images from the bank surveillance footage and immediately identified SILVA as being the male in the video surveillance images. PO Coats informed Detective Choy that she had been working with SILVA since June 2016 and was familiar with his mannerisms, facial and body features and that PO Coats had met with SILVA on a monthly basis.

9. Following the interview with PO Coats, Detective Choy prepared a sequential photographic lineup containing six (6) photographs of persons having similar physical characteristics as that of SILVA. On December 5, 2016, Detective Choy met with FHB teller CC and administered the sequential photographic lineup. However, CC was unable to identify any of the persons as the culprits in this FHB robbery incident.

10. On December 6, 2016 Detective Mitchell Tomei (hereinafter "Detective Tomei"), assisted Detective Choy by administering the sequential photographic lineup to FHB teller RK. However, RK was unable to make positive identification of any of the persons contained in the lineup. RK did note that photograph number 5, SILVA, was a possibility as the mouth area, shape of the lips and moustache were similar to the culprit.

11. On December 6, 2016, at approximately 3:03 p.m., HPD Patrol Units were dispatched to a Bank Robbery complaint at the First Hawaiian Bank (FHB#2) Waikiki Branch, located at Luxury Row, 2181 Kalakaua Avenue, Honolulu, Hawaii 96815. At approximately 3:06 p.m., HPD Patrol officers arrived at FHB#2 and learned that FHB#2 had indeed been robbed by a male subject, described below and later positively identified as SILVA. The male subject uttered a demand note for money. The demand note was recovered as evidence by the HPD. The demand note was later processed by the HPD for latent fingerprints and compared

to known latent fingerprints on file for SILVA. However, HPD Fingerprint Identification Technician Lenora Ishihara reported on December 14, 2016 the latents recovered on the demand note were “not identifiable” and had “no value.”

12. An FHB#2 teller (hereinafter “JT”) interviewed by HPD at the scene reported the subject approached her teller station at approximately 3:00 p.m. and placed a hand written note in front of her. JT did not have a chance to get a good look at the note, but remembered the words “give” and “10,000” written on it. Before JT could register what the note read, the subject became aggressive by verbally demanding “Just give me all your money!” JT initially handed the subject Seven Hundred Ninety Dollars (\$790.00) in various denominations. The subject told JT, “Just give me all your money in the drawer.” JT broke the money strap for an additional Two Hundred Dollars (\$200.00) and gave it to the subject. JT stated the subject thought she had more money so he threatened her by saying “Just give it all to me or else I’ll knock you out!” JT showed the subject she only had coins remaining and the subject got frustrated and hurried towards the exit door of FHB#2. JT described the subject as the same height as her, around 5’3”, and that he was very “pudgy” (sic) so the subject’s walk was more of a wobble. JT stated anytime she gave the subject money he shoved it into a white in color ABC bag. JT stated she was frightened by the subject since it appeared he was on some type of drug as he was fidgety and his eyes were “black and bead like.” Moreover, the



subject kept reaching over the counter pointing at JT's cash drawer. JT later confirmed an aggregate total of Nine Hundred Ninety dollars (\$990.00) in U.S. currency was given to the subject during this FHB#2 robbery incident.

13. HPD later recovered the demand note at the scene of the FHB#2 incident. The note in question was written in blue ink on the back of an ABC store #56 receipt. The note read "give me 10,000 now" along with a phone number "545-9107." HPD sent a follow-up officer to the ABC #56 store on the receipt/demand note which was located at 1732 Ala Moana Boulevard, Honolulu, Hawaii 96815. The receipt/demand note had a purchase date from ABC #56 for a reusable ABC bag for \$0.15 on December 6, 2016 at approximately 2:16 p.m. HPD Officer Dan Nishimura (hereinafter "Officer Nishimura") was able to review the video surveillance from ABC #56 during the purchase and noted the male seen purchasing the reusable ABC bag at approximately 2:16:03 p.m. matched the description for the subject in the FHB#2 robbery incident. Officer Nishimura also took note of the arrival (2:14 p.m.) and departure (2:17 p.m.) of the subject from the ABC store riding a green/black in color "Next" brand bicycle.

14. During the course of the FHB and FHB#2 robberies, the subject did not display or brandish any weapons, although the demand note in the FHB incident on December 2, 2016 made mention the subject had a weapon. The FHB subject was described as follows: Local, mixed possibly Caucasian male, with

medium white in color hair, white mustache, 5'5", stocky build, attired in a pink in color floral print Aloha shirt, dark shorts and having a "waddle" type walk. The FHB#2 subject was described as follows: Caucasian male, 40-50 years old, white in color hair, white mustache, 5'3", 210 lbs., stocky build, attired in army style camouflaged print shorts, black short sleeve t-shirt, black slippers, black baseball type hat and wobbles when walking.

15. On December 6, 2016, HPD Criminal Investigation Division Third Watch Detail Detective Mark Tom (hereinafter "Detective Tom") responded to the FHB#2 scene. Based on the description of the subject, Detective Tom administered a photographic lineup prepared by Detective Choy to FSB#2 teller JT. Detective Tom showed AG the photographic lineup containing six (6) individual photographs of different males shown individually and sequentially to AG including a photograph of SILVA. JT was unable to positively identify any of the persons depicted in the lineup as the culprit for FHB#2. JT commented the male in photograph #3, SILVA, might be the person who committed the FHB#2 robbery as the eyes looked the same, but she would have to see the male in photograph #3 either in person or a color photograph of SILVA to be absolutely sure.

16. On December 8, 2016, Detective Choy contacted PO Coats and met with her to show her video surveillance images from the FHB#2 robbery incident on December 6, 2016 as well as video surveillance images from the ABC #56 store

on December 6, 2016 where the subject was observed purchasing an ABC store reusable bag believed to have been used during the FHB#2 robbery incident. PO Coats reviewed the aforementioned FHB#2 and ABC#56 surveillance images and positively identified SILVA as the male in both surveillance videos.

17. On December 27, 2016, at approximately 9:52 a.m., the Bank of Hawaii (BOH) Chinatown Branch, located at 101 North King Street, Honolulu, Hawaii 96817 reported a robbery. Following the robbery, a BOH witness employee followed the subject and observed him get into a Taxi cab as a passenger. The taxi cab was described as a silver in color Honda Odyssey van bearing State of Hawaii license plate RDU-694 (hereinafter "TC"). The TC was stopped on December 27, 2016, at approximately 9:54 a.m. on Ala Moana Boulevard and Kamakee Street by HPD patrol officers. The rear passenger, identified as SILVA, was detained. At approximately 10:12 a.m., the BOH witness teller positively identified SILVA as the culprit for the BOH bank robbery on December 27, 2016. BOH reported approximately \$3,000 was taken during this BOH robbery incident. SILVA was subsequently arrested by United States Marshals pursuant to a federal arrest warrant, issued in Cr. No. 05-00423 DAE, for violating his term of Supervised Release, in violation of Title 18, United States Code, Section 3583, as described below, and transported to Queens Emergency Room for complaints of heart problems.

18. On December 27, 2016, at approximately 12:02 p.m., this Affiant and FBI SA Jay LeDoux (hereinafter "SA LeDoux") met with SILVA in Queens Emergency Room 22. SILVA appeared to be sober and coherent. This Affiant and SA LeDoux introduced and identified ourselves to SILVA as FBI Special Agents and SILVA was read his Constitutional Advice of Rights via FBI form FD-395. SILVA stated he understood his rights and voluntarily waived his rights consenting to providing a statement without a lawyer being present and acknowledged this by signing the FD-395 form. During the course of the interview, SILVA admitted to the bank robbery incidents mentioned in this affidavit: FHB, FBH#2 and BOH as well as seven others during the month of December 2016. SILVA stated he was never armed with a weapon and that it was an easy way to obtain money without anyone getting hurt.

19. Both the FHB and FHB#2 located at 1580 Kapiolani Boulevard and 2181 Kalakaua Avenue respectively, as well as the BOH located at 101 North King Street in Honolulu, Hawaii were at the time of these described robberies insured by the Federal Deposit Insurance Corporation.

20. I have reviewed a document entitled, "Amended Judgment in a Criminal Case," Cr. No. 05-00423 DAE. It reflects that on September 6, 2007, SILVA was sentenced to a term of imprisonment of 151 months for being found guilty of committing four bank robberies in violation of 18 U.S.C. § 2113(a). At

that time, he also was sentenced to a term of 36 months of supervised release to follow his release from prison.

21. According to a document entitled "Request for Course of Action," and filed on December 2, 2016, SILVA was alleged to have absconded from Mahoney Hale Residential Reentry Center after being placed there as part of his term of Supervised Release. At the request of the U.S. Probation Office, a no bail arrest warrant was issued for SILVA's arrest. The FBI has been working with the U.S. Marshals Service to locate SILVA to arrest him pursuant to that warrant. As noted above, on December 27, 2016, SILVA was arrested by the U.S. Marshals Service pursuant to the arrest warrant issued in Cr. No. 05-00423 DAE for violating his term of Supervised Release.

### CONCLUSION

22. Based on the foregoing, and on affiant's training and experience, I believe that probable cause exists that between December 2, 2016 and until December 27, 2016, in the District of Hawaii, SILVA did, on multiple occasions, commit the crimes of Bank Robbery, a violation of Title 18, United States Code, Section 2113(a). In addition, based on the foregoing, I believe that probable cause exists that between December 2, 2016, and until December 27, 2016, in the District of Hawaii, SILVA did violate a term of his Supervised Release by absconding

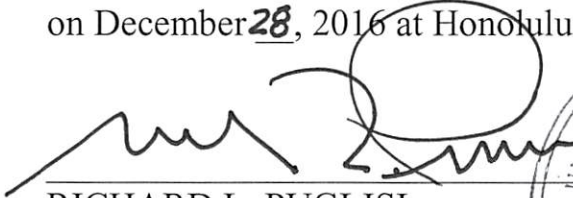
from Mahoney Hale Residential Reentry Center, in violation of Title 18, United States Code, Section 3583.

Further affiant sayeth naught.



Thomas Logeman  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn before me  
on December 28, 2016 at Honolulu, Hawaii.



RICHARD L. PUGLISI  
United States Magistrate Judge



This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that defendant WALLACE SILVA committed the charged offenses were found to exist by the undersigned Judicial Officer at 0911.m on December 28, 2016, at Honolulu, Hawaii.

Subscribed and Sworn to Before Me,

this 28 of December 2016.



Hon. RICHARD L. PUGLISI  
United States Magistrate Judge